



CMP(MD)No.86 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Civil Appellate Jurisdiction

Wednesday the Eighth day of January Two Thousand and Twenty Five

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD)No.86 of 2025

in

A.S.(MD)No.184 of 2011

Kannappan

... Petitioner/Respondent

- Vs. -

1. Jayaraman (Died)

2. Raj Narayanan

3. Rajesh

4. Chandra

5. Sridevi

6. Santhi

... Respondents/ Appellants

Prayer in CMP(MD). 86/ 2025 : Petition filed under Order 41 Rule 19 of C.P.C.,to set aside the order passed by this Honourable Court in A.S.(MD).No.184 of 2011 dated 14-06-2022 and restore the First Appeal.

Prayer in AS(MD). 184/ 2011 :Appeal Suit is filed under Section 96 of the Code of Civil Procedure to set aside the decree and Judgment made in O.S.No.58 of 2004 dated 27.09.2010 on the file of the Principal Sub Court, Kumbakonam, Thanjavur District.

ORDER: This Appeal coming on for hearing on this day, upon perusing the petition and the material records of the case, and upon hearing the arguments of



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Mr.I.Velpradeep, Advocate for the Petitioner, and of Mr.G.Gomathisankar, Advocate for the Respondents; the Court made the following Order:

" It is evident from the records that the petitioner's earlier application in CMP (MD) No.8813 of 2024 to condone the delay of 714 days in filing the petition for setting aside the order, dated 14.06.2022, came to be allowed on 16.12.2024.

2.As rightly contended by the learned counsel for the petitioner since the other side represented that the sole respondent was reported dead and steps were not taken, the appeal suit was already dismissed as abated. But according to the petitioner, the sole respondent is alive.

3.Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed. Registry is directed to restore the appeal on file and call for the records.

4.Post the matter on 28.01.2025.

Sd/-

Assistant Registrar (CS.II)

// True Copy //

/01/2025

Sub Assistant Registrar
(CS-I/II/III/IV)

das



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TO
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1.The Principal Subordinate Judge,
Kumbakonam,
Thanjavur District.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 08.01.2025
Hearing Date : 28.01.2025

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O R D E R
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CMP(MD)No. 86 OF 2025
IN
AS(MD)No.184 OF 2011

Giving direction etc as stated
with in.

SL(24.01.2025)/ 3P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.